
SENATE CONCURRENT RESOLUTION

PETITIONING CONGRESS FOR A LIMITED AMENDMENTS CONVENTION TO
RESTORE FREE AND FAIR ELECTIONS BY ADDRESSING CONCERNS
RAISED BY THE DECISION OF THE UNITED STATES SUPREME COURT
IN *CITIZENS UNITED V. FEDERAL ELECTION COMMISSION*, 558 U.S.
310 (2010) AND RELATED CASES AND ADDRESS WHETHER MONEY
SPENT ON CANDIDATE ELECTIONS AND BALLOT MEASURES SHOULD
CONSTITUTE "SPEECH" UNDER THE FIRST AMENDMENT.

1 WHEREAS, the first President of the United States, George
2 Washington, stated, "[t]he basis of our political systems is the
3 right of the people to make and to alter their Constitutions of
4 Government"; and

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6 WHEREAS, it was the intention of the framers of the
7 Constitution of the United States of America as stated in James
8 Madison's *Federalist Papers* that the Congress of the United
9 States of America should be "dependent on the people alone"; and

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11 WHEREAS, that dependency has evolved from a dependency on
12 the people alone to a dependency on those who spend excessively
13 in elections through campaigns or third-party groups; and

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15 WHEREAS, the United States Supreme Court ruling in *Citizens*
16 *United v. Federal Election Commission*, 558 U.S. 310 (2010)
17 removed restrictions on amounts of independent political
18 spending; and

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20 WHEREAS, the removal of those restrictions has resulted in
21 the unjust influence of powerful economic forces, which have
22 supplanted the will of the people by undermining the people's
23 ability to choose their political leadership, write their own
24 laws, and determine the fate of their state; and

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26 WHEREAS, Article V of the United States Constitution
27 requires the United States Congress to call a convention upon



1 application of two-thirds of the legislatures of the several
2 states for the purpose of proposing amendments to the United
3 States Constitution; and
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5 WHEREAS, this body sees the need for a convention to
6 propose amendments to address concerns such as those raised by
7 the decision of the United States Supreme Court in *Citizens*
8 *United v. Federal Election Commission* and related cases and
9 events, regardless of when they occur or have occurred; whether
10 money spent on candidate elections and ballot measures should
11 constitute "speech" under the First Amendment; or for a
12 substantially similar purpose, and desires that the convention
13 should be so limited; now, therefore,
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15 BE IT RESOLVED by the Senate of the Twenty-eighth
16 Legislature of the State of Hawaii, Regular Session of 2015, the
17 House of Representatives concurring, that pursuant to Article V
18 of the United States Constitution, the United States Congress is
19 petitioned to call a convention for the purpose of proposing
20 amendments to the Constitution of the United States of America
21 to address concerns raised by the decision of the United States
22 Supreme Court in *Citizens United v. Federal Election Commission*,
23 558 U.S. 310 (2010) and related cases and events and address
24 whether money spent on candidate elections and ballot measures
25 should constitute "speech" under the First Amendment; and
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27 BE IT FURTHER RESOLVED that this be a standing application
28 considered together with applications calling for a convention
29 passed in the 2013-2014 Vermont legislature as R454, the 2013-
30 2014 California legislature as Resolution Chapter 77, the 2013-
31 2014 Illinois legislature as Senate Joint Resolution No. 42, and
32 all other past, pending, and future applications until at least
33 two-thirds of the several states have applied for a convention
34 and the convention is convened by Congress; and
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36 BE IT FURTHER RESOLVED that the delegates to the convention
37 be comprised equally from individuals currently elected to state
38 and local office or individuals elected as delegates from each
39 Congressional district; provided that all individuals elected or
40 appointed to federal office, now or in the past, be prohibited
41 from serving as delegates to the Convention, and for the State



1 of Hawaii to retain the ability to restrict or expand the power
2 of its delegates within the limits expressed above; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the President and Vice
6 President of the United States, the Speaker of the United States
7 House of Representatives, the Minority Leader of the United
8 States House of Representatives, the President Pro Tempore of
9 the United States Senate, and Hawaii's congressional delegation.

